



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 4.1.1A	Subject: ADMISSION AND CAPACITY FOR SECURE CARE OF DELINQUENT YOUTH
Chapter #4: FACILITY/PROGRAM SERVICES	Page 1 of 5
Section #1: Reception and Orientation	Revision Date:
Signature: /s/ Rick Day, Director	Effective Date: Jan. 24, 2000

I. POLICY:

It is the policy of the Department of Corrections to accept and place delinquent youth committed to the department and to regulate admission to secure facilities when capacity is exceeded pursuant to Montana law.

II. AUTHORITY:

27-1-1101, MCA. Definitions
 41-3-1104, MCA. Youth facilities
 41-3-1105, MCA. Transfer of custody to private agency-reports
 41-3-1131, MCA. Power of nonprofit corporations to establish homes
 41-3-1132, MCA. Governmental contracts with non-profit organizations
 41-5-103, MCA. Definitions
 41-5-355, MCA. Excessive juvenile population-confinement of juveniles in alternate placements
 41-5-1522, MCA. Commitment to Department-Restrictions on Placement
 41-5-1523, MCA. Commitment to Department-Supervision
 41-5-1513, MCA. Disposition-Delinquent Youth-Time Restrictions
 41-6-101, MCA. Interstate Compact on Juveniles
 52-5-101, MCA. Establishment of State Youth Correctional Facilities-Prohibitions
 52-5-102, MCA. Control and Management of Correctional Facilities
 53-1-202, MCA. Department of Corrections-Youth Correctional Services
 53-1-203, MCA. Powers and Duties of Department of Corrections

III. DEFINITIONS:

Capacity means the maximum number of youth who can be held in a facility in accordance with good correctional practice as determined by the department.

Policy No.: DOC 4.1.1A	Chapter 4: FACILITY/PROGRAM SERVICES	Page 2 of 5
Subject: Admission and Capacity for Secure Care of Delinquent		

Delinquent Youth means a youth who is adjudicated by formal proceedings under the Montana Youth Court Act as a youth who has committed an offense that, if committed by an adult, would constitute a criminal offense; or who has been placed on probation as a delinquent youth or a youth in need of intervention and who has violated any condition of probation.

Mental Health Professional means:

- (1) a certified professional person as defined in 53-21-106;
- (2) a physician licensed under Title 37, chapter 3;
- (3) a professional counselor licensed under Title 37, chapter 23;
- (4) a psychologist licensed under Title 37, chapter 17; or
- (5) a social worker licensed under Title 37, chapter 22.

Secure Care means confinement of a youth in:

1. a state youth correctional facility,
2. another facility under the jurisdiction and control of the department, pursuant to 52-5-110, MCA, or
3. an out of state youth correctional facility subject to the provisions of 41-5-355, MCA, or the Interstate Compact on Juveniles, Article X.

IV. PROCEDURES:

A. DELINQUENT YOUTH

1. A delinquent youth may be committed to the department for secure care as a juvenile only pursuant to 41-5-1513 MCA, Disposition-delinquent youth-restrictions.
2. The department may not accept a youth adjudicated delinquent for placement in a state correctional facility for an offense that would be a misdemeanor if committed by an adult unless:
 - a. the court order states that the youth presents a danger to public safety, and
 - b. that the placement is recommended by a mental health professional who has evaluated the youth.

Policy No.: DOC 4.1.1A	Chapter 4: FACILITY/PROGRAM SERVICES	Page 3 of 5
Subject: Admission and Capacity for Secure Care of Delinquent		

3. The department may accept a court order specifying placement in a state youth correctional facility if:
 - a. the youth has been determined by the court to be a serious juvenile offender, and
 - b. the order states that placement is necessary to protect the public.
4. The department will accept a delinquent youth committed to it for placement in a state youth correctional facility only:
 - a. When a youth who has been adjudicated delinquent is recommended for placement in Pine Hills or Riverside by the Youth Placement Committee, and that recommendation has been approved by the department pursuant to 41-5-121, or
 - i. with a court order adjudicating the youth delinquent and sentencing the youth to a youth correctional facility pursuant to 41-5-1513, or
 - ii. when a youth has received a parole revocation.
 - b. With notification at least 24 hours prior to arrival from the placing jurisdiction to the facility that the youth is ready for transport.
 - c. Between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays. Emergency intake is possible with prior approval of the Superintendent or designee.
5. If the youth is committed for placement pursuant to commission of a misdemeanor(s), the facility may not accept the youth without a copy of the mental health evaluation required by 41-5-1513(1)(b) MCA.
6. For each youth committed to the department, the receiving facility must receive from the transporting officer pursuant to 52-5-108, MCA:
 - a. the court order committing the youth,
 - b. documentation of the placement committee and DOC approval, and
 - c. documentation of a medical exam/evaluation performed within the prior three months, a current or updated social history, and recent school records.
7. A signed waiver of revocation hearing or order of return to the institution must accompany a youth being returned for a parole violation for parole violation signed by the authorizing official.

Policy No.: DOC 4.1.1A	Chapter 4: FACILITY/PROGRAM SERVICES	Page 4 of 5
Subject: Admission and Capacity for Secure Care of Delinquent		

8. Any youth brought to the facility other than during approved hours or without the required documentation will not be accepted for intake.
9. Once a youth is committed to the department for placement in a state youth correctional facility, the department is responsible for determining an appropriate date of release or an alternative placement. The department will determine the appropriate placement and rehabilitation for the youth after considering the recommendations of the youth placement committee.
10. The court may require completion of sex offender treatment before a youth is discharged. It is the responsibility of the department to provide the opportunity for the youth to complete a sex offender treatment program.
11. No delinquent youth may remain committed to the department as a delinquent youth beyond the youth's 18th birthday. The department will not pay for the care, custody or supervision of any delinquent youth who has attained age 18.

B. FACILITY CAPACITY EXCEEDED

1. The Superintendent of each facility will provide the Department Director with written documentation identifying the capacity of the facility for the Director's approval.
2. Documentation of the facility's capacity must be maintained in the Director's office.
3. The capacity of a facility may change over time as a result of programming, physical plant or for other reasons. These changes must be documented by the Superintendent and approved by the Department Director.
4. When a state youth correctional facility has identified that it is at capacity, the facility must notify the Director by telephone or fax the day capacity is reached.
5. The Director's office will notify all district courts, sheriffs and youth courts that the facility has reached capacity pursuant to 41-5-355 MCA.
6. The superintendent will report to the Director weekly on capacity status and recommend to the director a date when the cap can be lifted.
7. If the Director has declared that a secure juvenile facility has exceeded capacity pursuant to 41-5-355, MCA, and the youth court has requested placement of a delinquent youth, the

Policy No.: DOC 4.1.1A	Chapter 4: FACILITY/PROGRAM SERVICES	Page 5 of 5
Subject: Admission and Capacity for Secure Care of Delinquent		

department may temporarily stop admissions and make alternative placements for those youth committed to the department.

8. The department must inform and seek the approval of the district/youth court regarding an intended alternative placement prior to placing these youth.
9. If the department has accepted financial responsibility for a delinquent youth due to over-capacity the Community Corrections Division, Probation and Parole Bureau is responsible for payment.
10. The department will accept this financial responsibility on the date that written notification to the department is received stating that:
 - a. the youth is adjudicated and ready for transport to a placement and has been denied placement in a state youth correctional facility, and
 - b. the probation officer has notified the Youth Placement Committee that placement in a state youth correctional facility has been denied.
11. When the facility is no longer “over capacity” and is again accepting youth for commitment, the facility will determine how youth waiting for placement are received. New commitments or parole violators who were placed in alternate placements by the Youth Court/Region will be reviewed by the Length of Stay Committee to determine whether they should be admitted to the youth correctional facility or continue in the alternate placement. Factors to be taken into consideration are:
 - a. length of time in placement and remaining length of stay per the guidelines,
 - b. treatment progress in placement,
 - c. mental health needs, and
 - d. youth correctional facility waiting list.

V. CLOSING:

Questions concerning this policy shall be directed to the Director.